

STROOCK

DOCUMENT
ELECTRONICALLY

8/28/2014

FILED VIA ECF

August 27, 2014

MEMO ENDORSEDSteven B. Pokotilow
Direct Dial: 212-806-6664
Fax: 212-806-6006The Honorable Denise L. Cote
U.S. District Judge, Southern District of New York
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street
New York, New York 10007-1312Re: Times Three Clothier, LLC v. Spanx, Inc., No. 1:13-cv-2157 (DLC)
(Lead Consolidated Case combining Nos. 1:13-cv-7260 and 1:13-cv-7635)

Dear Judge Cote:

Pursuant to the Court's August 20, 2014 Order, the parties have conferred regarding scheduling in the subject case and jointly propose the following consolidated schedule for further proceedings.

Date	Event
10/14/2014 (Tues) (6 weeks from Labor Day)	Spanx's Invalidity Contentions for utility patent
10/28/2014 (Tues) (2 weeks)	Parties to exchange lists of terms in utility patent requiring construction
11/11/2014 (Tues) (2 weeks)	Parties to exchange proposed constructions for utility patent terms
11/25/2014 (Tues) (2 weeks)	Deadline for parties to meet and confer regarding utility patent claim constructions
12/9/2014 (Tues) (2 weeks)	Joint Claim Terms Chart due for utility patent

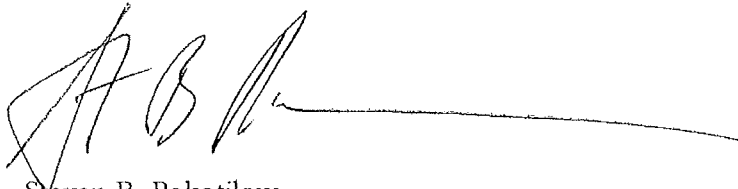
The Honorable Denise L. Cote
 August 27, 2014
 Page 2

Date	Event
1/16/2015 (Fri) (approx. 4 weeks, considering holidays)	Times Three's opening claim construction brief due (for utility patent)
2/18/2015 (Wed) (approx. 4 weeks)	Spanx's response to opening claim construction brief due (for utility patent)
3/3/2015 (Tues) (2 weeks)	Times Three's reply on claim construction due (for utility patent)
Week of 3/23/2015 or as soon thereafter as the Court can hear the parties	Markman hearing (for utility patent)
Remaining dates to flow from date of ruling and then from each immediately prior date	Ruling on Claim Construction
(2 weeks)	Times Three's amended infringement contentions, if any
(2 weeks)	Spanx's amended invalidity contentions, if any
(6 weeks)	Close of fact discovery
(4 weeks)	Initial Expert Witness Disclosures issues on which each party bears the burden of proof
(4 weeks)	Initial Expert Witness Disclosures - issues on which the opposing party bears the burden of proof
(2 weeks)	Rebuttal Expert Witness Disclosures
(4 weeks)	Expert Discovery Deadline

The Honorable Denise L. Cote
August 27, 2014
Page 3

Date	Event
(2 weeks)	Deadline to serve any Motion for Summary Judgment
(2 weeks)	In the event no Motion for Summary Judgment is filed, deadline to file Joint Pretrial Order

Respectfully submitted,



Steven B. Pokotilow
Counsel for Plaintiff Times Three Clothier, Inc.

cc: Counsel of Record (by ECF)

So ordered.

Denise Cote
8/27/14